UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

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UNITED STATES DISTRICT COURT
ALBUQUERQUE, NEW MEXICO
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JOSEPH S. COEY,

Plaintiff,

vs. **USDC No.**

NEW MEXICO EDUCATORS
FEDERAL CREDIT UNION,

JURY TRIAL DEMANDED

Defendant.

CIV 00 1613

COMPLAINT FOR VIOLATION OF AGE
DISCRIMINATION EMPLOYMENT ACT

COMES NOW, Plaintiff, Joseph S. Coey, by and through his attorney of record, J. Edward Hollington, J. Edward Hollington & Associates, P.A., and states for his Complaint against Defendant as follows:

I. JURISDICTION AND VENUE

1. Plaintiff Joseph S. Coey, hereinafter "Mr. Coey", is a resident of Albuquerque, Bernalillo County, New Mexico.

2. New Mexico Educators Federal Credit Union, hereinafter "NMEFCU" is a federally chartered credit union.

3. NMEFCU's principal offices are located in Albuquerque, Bernalillo County, New Mexico.

4. Plaintiff brings this action for violations of the Age Discrimination Employment Act, codified as 29 U.S.C. § 621, *et seq.*, hereinafter "ADEA".

5. United States District Court for the District of New Mexico has jurisdiction over this matter and venue is properly before this Court.

II. STATEMENT OF FACTS

6. Mr. Coey was appointed manager of NMEFCU, f/k/a Albuquerque Public Schools Federal Credit Union on July 1, 1980 pursuant to a written contract. He had served in that position since 1973.

7. Subsequently, Mr. Coey's title was changed to President and CEO of NMEFCU.

8. Mr. Coey was appointed as an officer of NMEFCU by its Board of Directors.

9. Mr. Coey served as President and CEO of NMEFCU until January 12, 2000.

10. During Mr. Coey's tenure as President and CEO of NMEFCU, the institution grew from a credit union with assets of Three Million Dollars ($3,000,000) to a credit union with over Four Hundred Seventy Million Dollars ($470,000,000) in assets.

12. NMEFCU is governed by a Board of Directors pursuant to NMEFCU's by-laws and federal credit union laws and regulations.

13. Mr. Coey had built a favorable reputation as a national leader in the credit union movement.

14. On March 22, 1999, the Board of Directors conducted a favorable evaluation of Mr. Coey's performance as President and CEO.

15. During 1999, the Board of Directors approved pay increases for Mr. Coey of more than Thirty Thousand Dollars ($30,000).

16. Prior to January 12, 2000, the Board of Directors never took any disciplinary action against Mr. Coey.

17. On January 12, 2000, the Board of Directors terminated the employment of Mr. Coey without giving him prior notice of any complaints.

18. On January 12, 2000, Mr. Coey was handed a Letter of Termination dated January 11, 2000, which indicated Mr. Coey was being terminated without cause.

19. Mr. Coey's annual salary and compensation at the time of the termination was One Hundred Eighty Six Thousand Dollars ($186,000), plus benefits.

20. On April 10, 2000, Mr. Coey filed a grievance regarding his termination with the Board of Directors of NMEFCU pursuant to Policies and Procedures. The Board denied his grievance appeal.

21. On May 25, 2000, Mr. Coey filed a Charge of Discrimination based on ADEA with the Equal Employment Opportunity Commission as Charge No. 390A00825.

22. On or about August 30, 2000, Mr. Coey received a "Right to Sue Letter" from the Equal Employment Opportunity Commission.

23. NMEFCU is engaged in an industry effecting commerce and had twenty (20) or more employees for each working day for twenty (20) or more calendar days in the last year.

24. In February, 2000, NMEFCU appointed Terry Laudick to replace Mr. Coey as President and CEO.

25. Mr. Laudick is under the age of forty (40).

26. On January 12, 2000, Mr. Coey was fifty-nine (59) years of age.

III. AGE DISCRIMINATION

27. Plaintiff, Joseph S. Coey, hereby incorporates all allegations contained in the foregoing paragraphs 1 through 26 as though the same are fully set forth herein.

28. At the time Mr. Coey's employment was terminated he was fifty-nine (59) years of age and, therefore, a member of the class protected by ADEA.

29. Mr. Coey at the time of his termination was qualified for the position as President and CEO of NMEFCU.

30. Mr. Coey was terminated by NMEFCU.

31. NMEFCU subsequently appointed Terry Laudick whose age is under forty (40) to the position held by Mr. Coey.

32. Mr. Laudick is not a member of the class protected by ADEA.

33. Mr. Coey's age was one of the motivating factors and reasons the Defendant terminated his employment.

34. The Defendant's conduct and actions amounts to intentional discrimination against Mr. Coey based on his age.

35. Mr. Coey has lost income and benefits, in the form of back pay and front pay.

WHEREFORE, Plaintiff respectfully requests this Court to enter judgment in his favor and against the Defendant and award him loss of income and benefits, front pay and other pecuniary losses allowed by ADEA, liquidated damages, pre and post-judgment interest and attorney fees and costs. Plaintiff further requests the Court to order reinstatement to his former position of President and CEO and such other and further relief as the Court deems just and appropriate.

Respectfully submitted:

J. Edward Hollington & Associates, P.A.

J. Edward Hollington
Attorney for Plaintiff
708 Marquette Avenue, NW
Albuquerque, New Mexico 87102-2035
(505) 843-9171
(505) 843-7027 Facsimile